

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHANNA SIMS,

Plaintiff,

v.

DANIEL KRAMMER and SAMANTHA  
STEVEN,

Defendant.

CASE NO. 2:22-cv-1217-JCC

**ORDER OF DISMISSAL**

Before the Court is a complaint submitted by Plaintiff Shanna Sims. For the reasons below, the Court DISMISSES the complaint.

This matter comes before the Court *sua sponte*. The Court may *sua sponte* raise the issue of subject matter jurisdiction at any time during an action. *Allstate Ins. Co. v. Hughes*, 358 F.3d 1089, 1093 (9th Cir. 2004); Fed. R. Civ. P. 12(h)(3). After careful review of Plaintiff's complaint, (Dkt. No. 3), the Court concludes this Court lacks subject matter jurisdiction, and the case should be dismissed. The complaint alleges Plaintiff, a resident of Sultan, Snohomish County, Washington, sues Daniel Krammer and Samantha Steven who are also residents of Sultan. The complaint alleges the basis for federal court jurisdiction is "Federal Question." (Dkt. No. 3 at 3.) In support, the complaint avers the following statutes are at issue in the case:

RCW 64.90.245 Declarant Declaration RCW 58.17.020 Plat Map  
Defendants did not have property surveyed. RCW 64.90

Washington Uniform Common Interest Ownership. RCW 64.04.020 Requisites of a Deed, RCW 64.06020 Disclosure Statement. RCW 9A.72.020 Perjury. All homeowners at Daisy Landing are governed by the CCRS which are noted in each deed. The defendants are in violation of not following the CCRS.

*Id.* at 3–4. The complaint alleges Defendants violated these state statutes in a real property dispute by taking down a fence without approval and building a retaining wall that protrudes onto Plaintiff's property. (Dkt. No. 3 at 5.) Defendants thereafter allegedly harassed Plaintiff by obtaining a state No Contact Order and slandering Plaintiff's name in the Daisy Landing community in Sultan, Washington where the parties live. *Id.*

These allegations establish this Court lacks subject matter jurisdiction. Subject-matter jurisdiction refers to the Court's power to hear a case. *Union Pac. R.R. Co. v. Bhd. of Locomotive Eng'rs & Trainmen Gen. Comm. of Adjustment*, 558 U.S. 67, 81 (2009). “Federal courts are courts of limited jurisdiction.” *Richardson v. United States*, 943 F.2d 1107, 1108 (9th Cir. 1991). “The jurisdiction of district courts and the courts of appeals are limited by the Constitution and those subjects encompassed within a statutory grant of jurisdiction.” *Id.* Federal courts have “jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Federal courts also have jurisdiction in civil actions where the matter in controversy exceeds \$75,000 and the action, “is between citizens of different States.” 28 U.S.C. § 1332(a)(1). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. Pro. 12(h)(3). “It has long been held that a judge can dismiss sua sponte for lack of jurisdiction.” *Cat Diversified Promotions, Inc. v. Musick*, 505 F.2d 278, 280 (9th Cir. 1974).

Plaintiff “bears the burden of establishing subject matter jurisdiction.” *See, e.g., Robinson v. United States*, 586 F.3d 683, 685 (9th Cir. 2009); *Ashoff v. City of Ukiah*, 130 F.3d 409, 410

1 (9th Cir. 1997). Plaintiff has not met this burden. First, the complaint alleges the Court has  
2 subject matter jurisdiction because Plaintiff's claims raise a federal question. However, the basis  
3 of Plaintiff's claim is that the Defendants violated state law and covenants governing the Daisy  
4 Landing Community in Sultan, Washington. Neither suggest a federal constitutional or statutory  
5 violation. Nor is diversity jurisdiction alleged (a property dispute between persons living in the  
6 same neighborhood clearly establishes that the parties are not diverse).

7 In sum, the Court has carefully reviewed the proposed complaint and concludes this  
8 Court lacks subject matter jurisdiction and the matter should be dismissed. The Court also finds  
9 that granting Plaintiff leave to amend the complaint would be futile. *See Barahona v. Union Pac.*  
10 *R.R. Co.*, 881 F.3d 1122, 1134 (9th Cir. 2018). The complaint alleges state law violations  
11 between neighbors over a fence, violations of a state No Contact Order, and state-law tortious  
12 conduct; no amendment would alter the fact that this Court lacks subject matter jurisdiction  
13 claims arising from such conduct.

14 The Court accordingly ORDERS:

- 15 (1) The complaint, (Dkt. No. 3), is DISMISSED.  
16 (2) The Clerk shall provide a copy of this order to Plaintiff.

17 DATED this 31st day of August 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE